

# **Exhibit C**

**From:** [Ayers, Jennifer Klein](#)  
**To:** [Hanson, Thomas](#)  
**Cc:** [Arcadi, Ann Marie](#); [Schortgen, Steven G.](#); [Stone, Jack J.](#); [Nowak, Christine](#); [Colao, Brian](#)  
**Subject:** RE: HPQC  
**Date:** Monday, May 12, 2014 1:39:00 PM

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Tom,

Mr. Turner's inability to follow the instructions Xerox provided for accessing HPQC on April 28, 2014, is not as basis for altering any of the deadlines, particularly when all software necessary for accessing HPQC is publicly available for no charge. As a professional courtesy, however, we are willing to agree to a mutual extension of the current May 20 deadline, and by way of this e-mail confirm that any expert designations or reports by the parties in response to and/or rebutting any experts designated on April 15, 2014, shall be served on or before May 27.

Assuming you accept this agreement, we will need to reschedule the depositions to occur in early June, with Mr. Turner's deposition occurring first in time, followed by Mr. Trivett's deposition. We will not agree to extend the *Daubert* deadline at this time.

Please let me know your position.

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**From:** Hanson, Thomas [mailto:THanson@dykema.com]  
**Sent:** Monday, May 12, 2014 11:58 AM  
**To:** Ayers, Jennifer Klein  
**Cc:** Arcadi, Ann Marie; Schortgen, Steven G.; Stone, Jack J.; Nowak, Christine; Colao, Brian  
**Subject:** RE: HPQC

Jennifer –

Thank you for finally responding. To correct certain misstatements in your prior email, Mr. Trivett's report was served on April 15, 2014. It was not until Tuesday, April 29, 2014 that Xerox responded to our repeated entreaties to be provided access to HPQC. Our experts thereafter immediately began attempting to gain access via the links provided on April 29. They have followed the instructions provided but have been unsuccessful in gaining access. I notified you that their efforts were unsuccessful three business days after Xerox purported to provide access. As of today, CCI's experts still have been unable to gain access. We reached out to on May 5, and it's taken a week to get Xerox's response, despite several promises to respond sooner in the interim.

Our experts are entitled to review the materials that your expert's opinions are based upon. Both you and Ms. Arcadi have now represented that CCI has in its possession the extract which is similar information to what is contained in HPQC itself. CCI's experts are entitled to review the same data, in the same format as it was provided to your expert. That is all that we are asking for. And that is what the law entitles us to.

For that reason, we are requesting a further extension of the May 20 deadline to 10 business days after our experts have confirmed access to HPQC, in whatever form you choose to provide such access (providing a laptop was merely a suggestion). As we have repeatedly said we will agree that Mr. Turner (or any other CCI rebuttal expert on this issue) shall be deposed before Mr. Trivett. We are further asking for an extension of the *Daubert* deadline because Mr. Sharma a Xerox non-retained expert

cannot be made available for deposition until July.

It is difficult for me to pinpoint or more specifically identify dates without information from you on when Xerox will provide access. Assuming that Xerox provided access by Monday of next week (May 19), we would propose to extend rebuttal expert reports to June 2. Depending on your preference, we can reschedule Mr. Gray and Mr. Van Meter's depositions and schedule instead Mr. Turner and Mr. Trivett's depositions or we can schedule Turner and Trivett for the weeks following. Assuming that Xerox presents Mr. Sharma for deposition on or before July 11, 2014, we would propose to move the Daubert Motion deadline to July 25.

We do intend to file this afternoon; based on your email below we'll put you down as opposed unless we hear something to contrary by 3 p.m.

Thanks, Tom

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**From:** Ayers, Jennifer Klein [<mailto:jennifer.ayers@klgates.com>]  
**Sent:** Monday, May 12, 2014 11:06 AM  
**To:** Hanson, Thomas  
**Cc:** Arcadi, Ann Marie; Schortgen, Steven G.; Stone, Jack J.; Nowak, Christine; Colao, Brian  
**Subject:** RE: HPQC

Tom,

Xerox will not provide a laptop with pre-loaded software to CCI or its experts. All of the software necessary for accessing HPQC on Windows 7 is publicly available. Furthermore, the instructions Xerox provided to you and Mr. Turner on Monday, April 28, 2014, outline the procedure for obtaining the software and successfully running HPQC on your own computers. Since receiving your request for a Xerox laptop, we have confirmed that these instructions correctly identify all necessary steps. If you can specifically identify which portion of the instructions you are having difficulty with, we can attempt to assist you with this process. At this time, however, it's unclear to us why CCI believes it needs a Xerox laptop to access HPQC.

Furthermore, we are unsure why CCI believes an additional extension to the deadline for filing *Daubert* papers is necessary. First, based on the timing of your request for a Xerox issued laptop, it is clear that CCI and Mr. Turner waited a week after receiving access to HPQC before attempting to download or install the program. CCI's delay in installing the program and failure to follow the clear instructions Xerox provided is not grounds for an extension. Second, as previously indicated to you, Xerox previously produced all documents upon which Mr. Trivett's report relies, including the HPQC Defect extract, which was produced to CCI in November 2013. We agreed to provide you with access to HPQC and an initial extension to the deadline for rebuttal reports as a courtesy.

If you can specifically identify the length of the extension that you require, propose alternative dates for Mr. Turner's deposition, and propose a new deadline for filing *Daubert* papers, we will consider it. Without this information, however, we cannot agree to join your Motion. In the event you intend to file your Motion for Extension today, please send us your proposal by no later than 3:00 p.m. CT, to allow us an adequate amount of time to confer under *Dondi*.

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**From:** Hanson, Thomas [<mailto:THanson@dykema.com>]  
**Sent:** Sunday, May 11, 2014 1:20 PM  
**To:** Ayers, Jennifer Klein  
**Cc:** Arcadi, Ann Marie; Schortgen, Steven G.; Stone, Jack J.; Nowak, Christine; Colao, Brian  
**Subject:** RE: HPQC

I'm advised that they can't install HPQC, because they're missing at least the QCClient.MSI for Windows 7 but possibly missing more, and it would be a complicated install. Rather than go through a piecemeal approach by which various downloads are attempted, I thought it made the most sense to simply provide them a laptop which is known to have access so they can work off of that. If you have another solution, I'm open to it, and also please advise as to whether you oppose the extension at this point.

Thanks, Tom

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**From:** Ayers, Jennifer Klein [<mailto:jennifer.ayers@klgates.com>]  
**Sent:** Sunday, May 11, 2014 1:12 PM  
**To:** Hanson, Thomas  
**Cc:** Arcadi, Ann Marie; Schortgen, Steven G.; Stone, Jack J.; Nowak, Christine; Colao, Brian  
**Subject:** Re: HPQC

Tom,

Can you identify the difficulty that your expert is having?

We have had no difficulty downloading all necessary add-ons and programs to access HPQC, so we are having trouble understanding the problems you are having.

Is it only the access provided to your expert, or are the lawyers at Dykema having problems, too?

Jennifer Klein Ayers  
K&L Gates LLP  
214.939.5497

On May 11, 2014, at 13:06, "Hanson, Thomas" <[THanson@dykema.com](mailto:THanson@dykema.com)> wrote:

Jennifer:

We still haven't back from you on this. With the rebuttal deadline only nine days away, we intend to file our motion for leave to extend that deadline and the Daubert deadline tomorrow. While we would much prefer to present this as an agreed motion, we'll have to put you down as opposed unless we hear otherwise.

Best regards, Tom

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**From:** Hanson, Thomas  
**Sent:** Friday, May 09, 2014 11:07 AM  
**To:** 'Ayers, Jennifer Klein'  
**Cc:** 'Arcadi, Ann Marie'; 'Schortgen, Steven G.'; 'Stone, Jack J.'; Nowak, Christine; Colao, Brian  
**Subject:** RE: HPQC

Jennifer: I did not see any update on these issues from you yesterday. Can you please advise, both as to Xerox's willingness to extend the rebuttal/Daubert deadlines as well as the provision of HPQC access to Mr. Turner?

Best regards, Tom

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**From:** Hanson, Thomas  
**Sent:** Thursday, May 08, 2014 9:11 AM  
**To:** 'Ayers, Jennifer Klein'  
**Cc:** Arcadi, Ann Marie; Schortgen, Steven G.; Stone, Jack J.; Nowak, Christine  
**Subject:** RE: HPQC

Thanks Jennifer, I look forward to your response today. Given that our expert still does not have access to HPQC, and we don't know at this point when he will receive that access, we're going to need to ask for an additional extension of his rebuttal deadline, with an accompanying extension of these depositions and the Daubert motion deadline. Obviously, the length of the extension will depend on how much time goes by before Turner gets the access. We will, of course, still agree to present Turner for deposition before we take Trivett. Please let me know asap if Xerox will oppose the extension, and also please advise as to the status of our inquiry below re access.

Best regards, Tom

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**From:** Ayers, Jennifer Klein [<mailto:jennifer.ayers@klgates.com>]  
**Sent:** Wednesday, May 07, 2014 4:38 PM  
**To:** Hanson, Thomas  
**Cc:** Arcadi, Ann Marie; Schortgen, Steven G.; Stone, Jack J.; Nowak, Christine  
**Subject:** RE: HPQC

Tom,

We are talking to our client regarding your request, and we should have an answer for you tomorrow.

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**From:** Hanson, Thomas [<mailto:THanson@dykema.com>]  
**Sent:** Wednesday, May 07, 2014 3:18 PM  
**To:** Arcadi, Ann Marie  
**Cc:** Nowak, Christine  
**Subject:** RE: HPQC

Ann Marie, I haven't seen a response on this. It is critical that Mr. Turner be able to access HPQC asap. Please advise, thanks.

Best regards, Tom

Sent from my Galaxy S@III

----- Original message -----

From: "Hanson, Thomas"  
Date: 05/05/2014 9:53 PM (GMT-08:00)  
To: [annmarie.arcadi@klgates.com](mailto:annmarie.arcadi@klgates.com)  
Cc: "Nowak, Christine"  
Subject: HPQC

Ann Marie: Brian Turner's office is unable to load HPQC on their computers. We need Xerox to either provide the necessary software or a laptop with the software pre-loaded. The laptop seems the easier solution, but let me know what Xerox can do. Obviously, time is of the essence on this.

Thanks, Tom

Sent from Samsung tablet



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